

# BEST AVAILABLE COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT AND TRADEMARK  
OFFICE

705 AUG 19 11 5 26

Applicant: Cali St. John  
Title: BUSINESS METHOD FOR INDICIA WITH SANITARY  
BEVERAGE CAN  
Serial No: 09/637,242  
Filing Date: August 14, 2000  
Atty Docket No: 946-5

### REFUND REQUEST

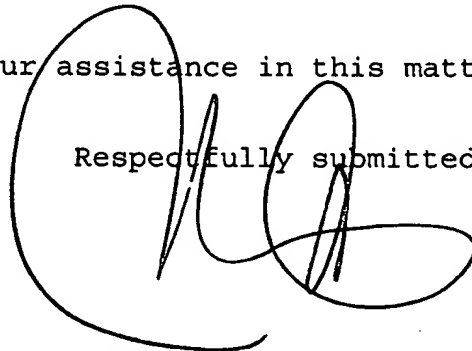
Office of Finance  
Refund Section  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sirs:

In response to Karen Creasy's letter dated July 20, 2005, we respectfully request a refund of the fee for \$510 extension of time. A copy of the Office Action is enclosed. Please make check payable to Robert J. Van Der Wall, P.A., Trust Account.

Thank you for your assistance in this matter.

Respectfully submitted,



ROBERT J. VAN DER WALL, P.A.  
Attorney for Applicant  
Registration No. 28,125

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ROBERT J. VAN DER WALL  
GABLES ONE TOWER  
1320 SOUTH DIXIE HIGHWAY  
SUITE 1275  
CORAL GABLES FL 33146-2926

COPY MAILED

JUL 20 2005

9/20/05 *re*

OFFICE OF PETITIONS

In re Application of  
Cali St. John  
Application No. 09/637,242  
Filed: August 14, 2000  
Attorney Docket No. 946-5

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 2005, to revive the above-identified application.

The petition is **GRANTED**.

**The two-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.**

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$510 extension of time submitted with the petition on May 9, 2005 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1733.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

PATENT ASSISTANCE  
DIVISION

2005 AUG 18 11 15 26

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**REFUND REQUEST**

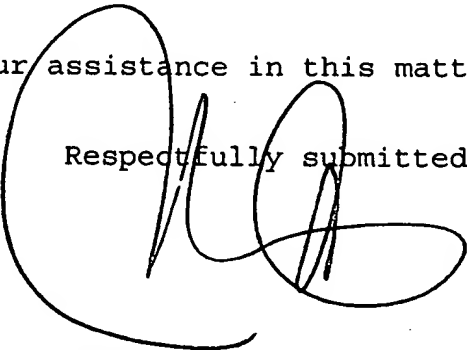
Office of Finance  
Refund Section  
P.O. Box 1450  
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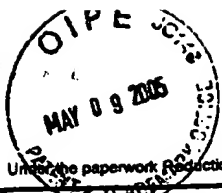
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ROBERT J. VAN DER WALL, P.A.  
Attorney for Applicant  
Registration No. 28,125

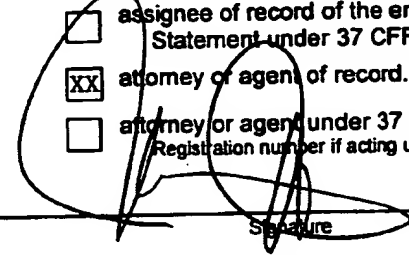


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PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) <b>946-5</b>
Application Number <b>09/637,242</b>		Filed <b>AUGUST 14, 2000</b>
For <b>BUSINESS METHOD FOR INDICIA WITH SANITARY BEVERAGE CAN</b>		
Art Unit <b>1733</b>		Examiner <b>JESSICA L. ROSSI</b>
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	<u>Fee</u>	<u>Small Entity Fee</u>
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the <input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.		
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).		
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>28,125</u>		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34.		
Registration number if acting under 37 CFR 1.34 _____		
 _____ Signature		<u>5/04/05</u> Date
<b>ROBERT J. VAN DER WALL</b> _____ Typed or printed name		<b>(305) 358-6000</b> _____ Telephone Number
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input checked="" type="checkbox"/> Total of _____ forms are submitted.		

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/11/2005 RHEBRAHT 00000007 09637242

03 EC:2253

510.00 OP

Adjustment date: 10/11/2005 SDIRETA1  
05/11/2005 RHEBRAHT 00000007 09637242  
03 FC:2253

-510.00 OP

Refund Ref:  
10/11/2005 SDIRETA1 0000148067 NE

CHECK Refund Total: \$510.00

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

[Signature]  
Signature

5/4/05  
Date

ROBERT J. VAN DER WALL  
Typed or printed name

28,125  
Registration Number, if applicable

1320 SOUTH DIXIE HIGHWAY, SUITE 1275  
Address

(305) 358-6000  
Telephone Number

CORAL GABLES, FLORIDA 33146  
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: PETITION FOR EXTENSION OF TIME PURSUANT TO 37CFR1.136 (a)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

5/04/05  
Date

[Signature]  
Signature

ROBERT J. VAN DER WALL  
Typed or printed name of person signing certificate